



United States Department of Agriculture
Marketing and Regulatory Programs
Agricultural Marketing Service
Livestock and Seed Program

MGC Instruction 110
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Meat Grading & Certification Branch

TRADE RELATIONSHIPS

Purpose

To provide Meat Grading and Certification (MGC) Branch employees with guidelines on their responsibility for developing and maintaining professional working relationships with industry personnel. This instruction also explains circumstances that may warrant suspending or withdrawing services from applicants for violations of the Agricultural Marketing Act (AMA) of 1946, as amended, and/or the regulations governing the grading and certification of meats, prepared meats, and meat products ([7 CFR, Part 54](#)).

Policy

The MGC Branch provides official grading and certification services under the authority of the AMA, as amended, to facilitate the orderly marketing of meats and meat products nationwide and to enable consumers to obtain the quality of meat they desire. To ensure that our services comply with the provisions of the AMA, it is MGC Branch policy that employees develop and maintain professional, businesslike working relationships with industry personnel. Such relationships will enhance the professional image expected of MGC Branch personnel and promote industry and public confidence in our programs.

Trade Relationships

All employees are expected to use clear and concise speech, exhibit a businesslike manner, exercise propriety, and maintain an appropriate personal appearance while performing official duties. The attitudes, actions, and appearances of employees can have a significant impact on their relationships with industry personnel. It is essential that the MGC Branch create a positive image and maintain favorable trade relationships by providing service in an accurate, decisive, tactful, and diplomatic manner. Honesty and integrity are essential to meat grading and certification programs and to the trust and confidence placed in supervisors and graders. Therefore, MGC Branch employees must perform their duties fairly and impartially and avoid even the appearance of preferential treatment to any applicant.

During daily contacts at the plant level, supervisors and graders shall:

1. Refrain from discussing matters pertaining to feeding, breeding, or management practices and their related costs;
2. Not discuss one plant's operations/business with another plant;

3. Avoid discussing official or personal problems with plant personnel; and
4. Not discuss future employment with a MGC Branch applicant. Additionally, under no circumstances should supervisors or graders ask for or accept favors, gifts, gratuities or loans nor make purchases from or become obligated in anyway to applicants or potential applicants of our services.

Since meat graders are occasionally assigned to perform grading or certification duties for other government agencies, it is important that such agencies be considered as applicants of the service and treated accordingly.

Nonofficial Visits to Meatpacking and Processing Plants

Assistant Directors of Grading and Certification must approve any unofficial visits (i.e., during annual leave, after duty hours, etc.) made to establishments by supervisors or graders, regardless of if such plants are located within or outside the area to which the employee is assigned. If such approval is granted, supervisors and graders shall refrain from discussing with vendors or their employees, matters that pertain to the local grading or certification and appropriately refer any questions to the local supervisor. During approved visits to plants, supervisors, and graders must exercise sound judgment to assure that their presence does not interfere with the work of USDA or plant personnel.

Withdrawal of Services

Violations of the AMA, as amended, or MGC Branch regulations may warrant the withdrawal of services from applicants. There are two types of withdrawal action, conditional withdrawal and disciplinary withdrawal. Only the Chief of the MGC Branch or the Deputy Administrator of the Livestock and Seed (LS) Program in accordance with applicable Agricultural Marketing Service (AMS) Instructions can initiate withdrawals. The MGC Branch Assistant Chief, Director of Grading and Certification and Assistant Directors of Grading and Certification cannot withdraw service from an applicant for any reason but may recommend such withdrawal following the procedures outlined in this Instruction.

Conditional Withdrawal of Service. The conditional withdrawal of services means the withholding of grading and certification services from a person or firm for a correctable cause such as failure to pay bills for service, interference with grading personnel in the performance of their duties, or other unsatisfactory or unsanitary plant conditions. If service has been conditionally withdrawn and appropriate corrective action is subsequently taken, service must be restored as soon as a grader can be made available to provide service.

The MGC Branch Assistant Chief, Director of Grading and Certification, and Assistant Directors of Grading and Certification are required to keep the MGC Branch office informed of all situations involving the possible conditional withdrawal of service from a firm or individual. If a conditional withdrawal is warranted, the MGC Branch Chief will issue written notice to the involved person and/or firm in advance of a conditional withdrawal. However, in any case involving actual or threatened physical violence to

MGC Branch personnel, a summary action to immediately implement a conditional withdrawal prior to receipt of written notice may be enacted only by the MGC Branch Chief or LS Program Deputy Administrator.

In situations where a conditional withdrawal may be warranted, including summary actions, supervisors and graders shall adhere to the following guidelines.

1. Nonpayment for Services. In cases involving nonpayment for services rendered, the MGC Branch Director of Grading and Certification and Assistant Directors of Grading and Certification shall follow the procedures outlined in MGC Instruction 421, Management of Meat Grading and Certification Branch Account Activity.
2. Abuse of Personnel. MGC Branch employees are not expected to perform their official duties under harassment, verbal abuse, intimidation, or in cases of actual or threatened physical violence. When personal safety is at stake, employees should report the problem to their supervisor and request instructions. (Employees will follow the reporting procedures in [AMS Directive 4790.1](#). If a supervisor cannot be reached, the grader shall advise the vendor that he/she is leaving the premises, remove all equipment from the plant, and notify a supervisor as soon as possible. When personal safety is not a factor, continue providing service and attempt to contact a supervisor to report the problem and request instructions.

Other Unsatisfactory or Unsanitary Plant Conditions. Supervisors and graders shall follow the procedures outlined in MGC Instruction 812, Control and Retention of Meat and Meat Products, in all cases where unsanitary conditions could contribute to unwholesome products. In all other situations where the possible conditional withdrawal of services may be warranted, employees shall report the situation to their supervisor and continue providing service until instructed otherwise. In addition to reporting all incidents to the MGC Branch Office, the Assistant Chief, Directors of Grading and Certification or Assistant Directors of Grading and Certification are responsible for promptly meeting with the involved vendor(s) and grader(s), either individually or jointly, to discuss and document all pertinent facts of the case. Following such a meeting, supervisors shall mail a detailed report to the Chief including all pertinent data and their recommendation concerning withdrawal of services.

Disciplinary Withdrawal of Services. The disciplinary withdrawal of services means the formal withdrawal of grading and certification services from a firm and/or a person for any reason (other than a conditional withdrawal) due to a violation of the AMA, as amended, ([7 CFR, Part 54](#)). The LS Program Deputy Administrator will file a formal complaint, petition, or notice with the USDA Hearing Clerk whenever a disciplinary withdrawal is warranted. Following the results of all administrative and/or court hearings on the matter, an Administrative Law Judge or Judicial Officer can order the formal withdrawal of service from a firm or individual based on proven violations of the AMA or MGC Branch regulations. Such violations may include,

- bribery of MGC Branch personnel;
- misrepresentation or any other fraudulent or deceptive practice committed in connection with an application or request for service;
- counterfeiting official USDA grademarks, devices, certificates, etc.,
- forgery of official certificates, grademarks, etc.;
- representation of products as having been officially graded or certified when in fact such products have not been federally graded or certified; or
- other violations of the AMA or MGC Branch regulations.

Supervisors and graders are responsible for promptly reporting any situation that may lead to a disciplinary withdrawal to their supervisor. However, in the case of bribery, attempted bribery, or suspected bribery, employees shall follow the procedures contained in [MGC Instruction 400, Personal Conduct Standards](#), by immediately notifying the Office of Inspector General (OIG) by telephone and requesting instructions. Bribery incidents must not be discussed with anyone except OIG officials.

Grading and/or Certification of Meat and Meat Products Originating From Plants Which Services Have Been Withdrawn

When MGC Branch services have been withdrawn from an establishment and/or an individual, no further services will be performed at that establishment or for the individual until the MGC Branch Chief authorizes reinstatement of services. In addition, meat from such an establishment or meat owned by an involved individual(s) cannot be graded or certified at a different location unless the ownership of the meat has changed and/or the original owner(s) is no longer a financially interested party. In either case, if the involved establishment was a slaughter or initial chill facility, it will be necessary that an exemption to the meat grading regulations be granted by the Deputy Administrator of the LS Program in order to grade meat at a location other than the point of slaughter or initial chill.

When MGC Branch services have been withdrawn from an establishment, it is the responsibility of the applicant to notify all purchasers requiring certification of products by the MGC Branch. The MGC Branch shall not initiate notification; however, it is appropriate for supervisory personnel to verify for contracting parties that the service was withdrawn from the establishment because of violation of [7 CFR, Part 54.11](#).

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